

**Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554**

In the Matter of )

Amendment of Section 73.622(b), )  
Table of Allotments, )  
Digital Television Broadcast Stations )  
(Norwich, Connecticut) )

MM Docket No. 04-184  
RM-10968

**RECEIVED**

To: Marlene Dortch, Secretary  
Federal Communications Commission

OCT 17 2005

ATTN: Chief, Video Division, Media Bureau

Federal Communications Commission  
Office of Secretary

**OPPOSITION TO "MOTION TO ACCEPT SUPPLEMENTAL PLEADING"**

Connecticut Public Broadcasting, Inc. ("CPBI"), by counsel, opposes the "Motion to Accept Supplemental Pleading ("ABC Motion") filed October 5, 2005 in the above-captioned docket by American Broadcasting Companies, Inc. (ABC). Through its Motion, ABC seeks Commission consideration of a document entitled "Supplement to Objection" (Supplement), which it filed in the proceeding on September 2, 2005. CPBI filed a "Motion to Dismiss" that "Supplement on September 12, 2005.

Nothing stated in the ABC Motion justifies consideration of the Supplement in this proceeding. ABC has not previously participated in this proceeding. Comments were due July 6, 2004, and reply comments on July 14, 2004. ABC recites numerous events that have happened in DTV proceedings since the reply date, none of which are relevant to acceptance of the Supplement in this channel rulemaking proceeding. ABC does not in the Supplement take a position on the proposal to substitute DTV Channel \*9 for DTV Channel \*45 at Norwich, Connecticut, which is the subject matter of the proceeding. To the extent the filing of an extraneous pleading in the docket might

No. of Copies rec'd 054  
List A B C D E

further delay the Commission's decision, now pending for over a year, it would be prejudicial and unfair to CPBI for the Commission to accept ABC's "Supplement to Objection" in this docket.

Accordingly, CPBI respectfully requests dismissal of the "Supplement to Objection" with prejudice.<sup>1</sup>

Respectfully submitted,

CONNECTICUT PUBLIC BROADCASTING, INC.

By:   
Steven C. Schaffer

SCHWARTZ, WOODS & MILLER  
1233 20<sup>th</sup> Street, N.W.  
Suite 610  
Washington, D.C. 20036-7322

Telephone: 202-833-1700  
Facsimile: 202-833-2351

Its Attorneys

October 17, 2005

---

<sup>1</sup> The Supplement also addresses issues raised previously by ABC in its January 15, 2004 informal objection to pending applications for a proposed exchange of DTV channels between CPBI's Station WEDH, Hartford, Connecticut and Station WEDN, Norwich, Connecticut (FCC File Nos. BPEDT-19990113KG and BMPEDT-20031008AAT). Because the ABC objection to the use of Channel 45 at Hartford is informal, Section 73.3587 of the Commission's rules indicates that ordinary timing contained in Section 1.45 does not control. CPBI is filing a Response to the Supplement simultaneously with this Opposition.

## CERTIFICATE OF SERVICE

I, Nancy Marie Cassady, Administrative Professional in the law offices of Schwartz, Woods & Miller, do hereby certify that I have on this 17<sup>th</sup> day of October, 2005, sent by First Class United States mail, postage prepaid, copies of the foregoing **OPPOSITION TO "MOTION TO ACCEPT SUPPLEMENTAL PLEADING"** to

John R. Feore, Jr., Esquire  
Dow Lohnes & Albertson, PLLC  
1200 New Hampshire Avenue, NW  
Suite 800  
Washington, DC 20036-6802  
Counsel to Meredith Corporation

Mark J. Prak, Esquire  
Brooks, Pierce, McLendon, Humphrey & Leonard, L.L.P.  
Wachovia Capitol Center, Suite 1600  
150 Fayetteville Street Mall (27601)  
Post Office Box 1800  
Raleigh, NC 27602  
Counsel to Hearst-Argyle Properties, Inc.

Susan L. Fox, Esquire  
Vice President, Government Relations  
The Walt Disney Company  
1150 17<sup>th</sup> Street, N.W., Suite 400  
Washington, DC 20036  
Vice President for Government Relations, The Walt Disney Company

Tom W. Davidson, Esquire  
Akin Gump Strauss Hauer & Feld LLP  
1333 New Hampshire Avenue, N.W.  
Suite 400  
Washington, DC 20036  
Counsel to The Walt Disney Company

Barry A. Friedman, Esquire  
Thompson Hine LLP  
1920 N Street, N.W.  
Suite 800  
Washington, DC 20036-1600  
Counsel to Entravision Holdings, LLC

\*Rick Chessen, Esquire  
Media Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

\*Pam Blumenthal  
Media Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

\*Alan E. Aronowitz, Esquire  
Media Bureau  
Federal Communications Commission  
445 12<sup>th</sup> Street, S.W.  
Washington, DC 20554

  
Nancy Marie Cassady

\*By Hand